

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

RONALD ODELL KING,

Plaintiff,

v.

JESSICA JONES HEBSON, *et al.*,

Defendants.

Case No. 5:22-cv-1109-LCB-NAD

ORDER

Ronald Odell King, a prisoner at the Limestone Correctional Facility, brings this suit under 42 U.S.C. § 1983. (Doc. 1 at 1). In October 2022, United States Magistrate Judge Nicholas A. Danella ordered King to file either an amended complaint stating a plausible claim for relief under § 1983 or a petition for writ of habeas corpus under 28 U.S.C. § 2254. (Doc. 3 at 4–5). Judge Danella caution King that failure to comply—by November 3, 2022—might result in the Court dismissing this case for lack of prosecution under Federal Rule of Civil Procedure 41(b). *Id.* at 5. To date, King has neither amended his complaint nor filed a habeas petition.

Judge Danella now recommends that the Court dismiss this case under Rule 41(b). (Doc. 4 at 2).¹ Federal district courts have inherent authority to manage

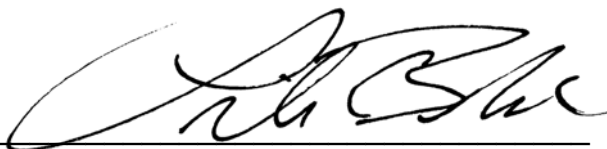
¹ King has filed no objection to the recommendation. His time for filing objections expired on December 30, 2022. (Doc. 4 at 2).

their dockets “so as to achieve the orderly and expeditious disposition of cases.” *Link v. Wabash R. Co.*, 370 U.S. 626, 630–31 (1962). Under Rule 41(b), a court may dismiss a case if the plaintiff fails to prosecute his claims or comply with a court order. *Equity Lifestyle Properties, Inc. v. Fla. Mowing & Landscape Serv., Inc.*, 556 F.3d 1232, 1240 (11th Cir. 2009). Here, contrary to Judge Danella’s order, King has neither amended his complaint nor filed a habeas petition. The Court thus finds that dismissal of this case is proper under Rule 41(b).

* * *

For these reasons, the Court **ADOPTS** Judge Danella’s recommendation (Doc. 4), **DENIES** King’s motion for leave to proceed *in forma pauperis* (Doc. 2) as moot, and **DISMISSES** this case without prejudice under Rule 41(b). The Clerk of Court shall close this case.

DONE and ORDERED January 6, 2023.



LILES C. BURKE
UNITED STATES DISTRICT JUDGE